



FH

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MSI/173852

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 23, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access and Accountability (DHCAA or Division) in regard to Medical Assistance (MA), a hearing was held on May 18, 2016, by telephone. The hearing record was held open for seven days for a document submission by the petitioner, which was received.

The issue for determination is whether the Division correctly sought to discontinue the petitioner's SSI-related coverage effective May 31, 2016.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED] (written submission)  
State SSI Analyst

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Dane County.
2. Department notified the petitioner on April 18, 2016, that his SSI-related MA benefits would be discontinued effective May 31, 2016. The petitioner appealed.

3. Prior to May 1, 2016, the federal Social Security Administration (SSA) notified the petitioner that his federal SSI payments would be discontinued effective May 1, 2016.
4. On May 6, 2016, the SSA issued written notice to the petitioner advising that he would continue to receive federal SSI payments of \$708 monthly from June 1, 2016 forward.

### **DISCUSSION**

The petitioner was receiving MA based on his status as a recipient of federal SSI benefits. *See*, Wis. Stat. § 49.46(1)(a)4. There is no dispute that his federal SSI was interrupted on or before May 2016. The petitioner could not continue to receive MA based on SSI recipient status without such payments. However, the petitioner produced SSA documentation post-hearing, which shows that his federal SSI has been reinstated. As a result, he must be reinstated on MA, without a coverage gap.

### **CONCLUSIONS OF LAW**

1. The Department incorrectly discontinued the petitioner's SSI-based MA certification, because the petitioner is continuing to receive federal SSI benefits.

**THEREFORE, it is**

### **ORDERED**

That the petition is remanded to the Department with instructions to reinstate the petitioner's SSI-related MA certification effective June 1, 2016, within 10 days of the date of this Decision (if it has not already done so).

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 7th day of June, 2016

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\sNancy J. Gagnon  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on June 7, 2016.

Division of Health Care Access and Accountability  
State SSI